IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 1223 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/03/2001 in WP NO : 3966 OF 2001 on the file of the High Court.)

Between:

V.Anitha D/o.V.Rama Subba Reddy
R/o.3/201,Saikuteer Proddutur
Cuddapah Dist.

..... APPELLANT

AND

1 The Chairman, Dealer Selection Board III Chandralok

Complex S.D.Road Secunderabad.
2 The Bharat Petroleum Corporation Ltd., L.P.G.Plan

Territory Office, N.H.7,217/6 Km,P.B.No.10
B-Camp,Kurnool Rep.by its Territory Manager.
3 B.V.Ramana Rao S/o.Seshagiri
R/o.Vaddirala Village Mylavaram Mandal,Cuddapah

District temporarily R/o.D.No.13/60,Kapu Street

Jammalamadugu,Cuddapah Dist.

4 Anju Venkata Reddy C/o.Bala Venkata Reddy
China Pasupala Village Pedda Mudiyam

Mandal,Cuddapah Dist. (impleaded as per court

order dt.30-7-2001 in W.P.M.P.No.2290/2001)

5 M.Chandrasekhar Reddy
R/o.H.No.2-152,Maruthinagar Near

R.T.C.BusStand,Cuddapah
(impleaded as per court order dt.30-7-2001 in

W.P.M.P.No.2290/2001)

.....RESPONDENTS

Counsel for the Appellant:MR.C.V.MOHAN REDDY

Counsel for the Respondent Nos.1 and 2: MR.G.S.R.ANJANEYALU

The Court made the following :

JUDGMENT (Per BN,J)

This appeal is filed against the learned single Judge's order dated 29.03.2001 in W.P.No.3966/2001, whereby he has dismissed the writ petition.

2. The appellant's contention was that 3rd respondent's appointment as L.P.G. distributor, was illegal, as he had not furnished any particulars of the land, which he would utilize in case of allotment of a dealership.

3. The contention of the leaned counsel for the appellant is that the notification lays down:

> "The applicant should furnish, along with the application, details of land for godown which he/she may make available for the distributorship. Considering the location of the land from the point of view of commercial angle, applicants willing to transfer the land on ownership/long lease to BPC at the rates acceptable to BPC would be given preference. If an applicant, after selection, is unable to provide the land/facilities indicated by him/her earlier, within a period of 2 months, the allotment of distributorship made to him/her would be cancelled. (Not applicable for locations reserved for Scheduled Caste and Schedule Tribe)".

He contends that it is true that applicant after selection may provide the land and facilities to the respondents within two months of the allotment of distributorship, but along with the application, he has to give the details of land for godown and also the location of the land, where ultimately the business will be carried. According to him, these conditions have been laid, so that the respondent – Company is in a position to assess the suitability of the location for the purpose of business. His case is that this information was not given by the 3rd respondent, while he made the application.

4. We have summoned the record and from the record, we have seen the application form of 3rd respondent. In response to the question "*Do you have a suitable site (approx.36.m x 29m) available or can you arrange one for construction of a godown, if selected? If yes, please give details. As showroom would also be required which should preferably in a prominent location within the distributorship area of operation and the godown site should be as close as possible*

to the showroom". He has stated, *"Yes. The acceptance letter from the land owner is enclosed. Do not have my partnership with the land owner."* and he has also annexed a lease deed to the application, which shows that he had taken on lease land from an executant of agreement. The particulars of the land are clearly mentioned in the schedule to the agreement of lease. Since the 3rd respondent had furnished the particulars, which were required to be furnished under the advertisement, we do not think writ petition had any merits. The writ appeal is accordingly dismissed. No costs.

BILAL NAZKI,J

L.NARASIMHA REDDY,J

AVS

DATE:31.03.2005

.....REGISTRAR

To

1. 1 The Chairman, Dealer Selection Board III Chandralok

Complex S.D.Road Secunderabad.
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